

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED ENTERED
LODGED RECEIVED

OCT 14 2003

01-MD-01407-ORD

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

BY
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA)
PRODUCTS LIABILITY LITIGATION

MDL Docket No. 1407

This document relates to:

ORDER DISMISSING CLAIMS WITH
PREJUDICE FOR FAILURE TO COMPLY
WITH CASE MANAGEMENT ORDER 6

Barbara Adams, et al. v. Bayer Corp., et al.,
Civil Action No. 02-CV-2375

THIS MATTER having come before the undersigned Judge on Defendants Schering-Plough Corporation ("SPC") and Schering-Plough HealthCare Products, Inc.'s ("SPHCP") Motion to Dismiss for Plaintiffs' Failure to Comply with Case Management Order 6 on behalf of all defendants; and the Court having reviewed the files and records herein including Defendants' Memorandum, the responses (if any), and SPC's and SPHCP's Reply (if any), and deeming itself fully advised, the Court finds that Plaintiffs identified in list attached to this Order (hereinafter "Plaintiffs") have failed to comply with this Court's discovery plan set forth in Case Management Order No. 6 and in this Court's November 21, 2002 CMO. Plaintiffs have been given ample opportunity to comply with these Orders and have received warnings that failure to comply would result in appropriate sanctions, including dismissal of this action.

NOW, THEREFORE, it is hereby ordered that Defendants SPC and SPHCP's Motion to Dismiss is GRANTED and the Court hereby orders the dismissal of Plaintiffs' claims with prejudice pursuant to Federal Rules of Civil Procedures 41(b) and 37(b)(2)(C).

1
2
3 DATED this 14 day of OCTOBER, 2003.
4

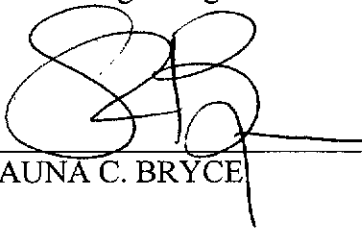
5 *Barbara Jacobs Rothstein*

6 HON. BARBARA J. ROTHSTEIN, U.S.D.J.
7

8 Presented by:

9 SILLS CUMMIS RADIN TISCHMAN
10 EPSTEIN & GROSS, P.A.

11 Attorneys for Schering-Plough Corporation
12 and Schering-Plough HealthCare Products, Inc.
13

14 
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SHAUNA C. BRYCE

Attachment A

<u>Case Name:</u>	<u>MDL Docket No.</u>	<u>Plaintiff's Name</u>	<u>State</u>	<u>Date Action Commenced</u>	<u>Date Docketed in MDL</u>	<u>PFS Due Date</u>	<u>PFS Received</u>	<u>PFS Date Warning Letter Sent</u>
Adams	C02-2375	Herman, Graham	LA	6/10/02	12/24/02	4/21/03	No	5/9/03
Adams	C02-2375	Head, Patricia	LA	6/10/02	12/24/02	4/21/03	No	5/9/03